



# SCARPONE & VARGO LLC

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August 5, 2011

**Via ECF and First Class Mail**

Honorable Magistrate Judge Joseph A. Dickson  
U.S.D.C. for the District of New Jersey  
Martin Luther King Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re: Dahi v. Refrigerated Holdings, Inc., et al.**  
**Case No.: 10-CV-6297-SDW-MCA**

Dear Magistrate Judge Dickson:

This law firm represents the RHI Defendants<sup>1</sup> in this matter. I write in response to an August 4, 2011 letter from Plaintiff Elaine Dahi to Judge Cecchi requesting an adjournment of the in-person conference scheduled before Your Honor. Mrs. Dahi's eleventh-hour letter and accompanying email are attached for the Court's benefit.

Mrs. Dahi begins her letter admitting the Plaintiffs have failed to meet their obligations to litigate this matter in a diligent manner. (In fact, other than filing the complaint and two amendments thereto, the Plaintiffs have missed every deadline required of them – multiple times. See DE 27.) Mrs. Dahi concedes that “[a]ll motions and other efforts would, accordingly, be futile and in vain” but then “move[s]” for an adjournment of the scheduled conference to permit the plaintiffs to file motions by August 12. Apparently these motions will somehow justify the outrageous accusation Mrs. Dahi made toward my client, Peter Lamm, yet will not address the RHI Defendants’ unopposed motion that has been pending since mid-April.

The RHI Defendants object to any delay of this in-person conference as well to any further delays by the Plaintiffs regarding the long pending RHI motion. These *pro se* Plaintiffs have extensive litigation experience in the federal courts; they are well aware of their obligations *in a matter they brought* yet consistently and unjustifiably disregard them.

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<sup>1</sup> Defendants Refrigerated Holdings, Inc., Gemini Traffic Sales, Inc., East Coast Warehouse & Distribution Corporation, Daniel Sokolowski, Rob Adams, John Biblis, Tracy Stone, Fenway Partners LLP, Peter Lamm, and Richard Dresdale.

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Moreover, Mrs. Dahi's claimed lack of access to an automobile is insufficient to justify an adjournment. There are multiple transportation alternatives available to Mrs. Dahi, including both bus and train, which travel near her location and which would deposit her at Newark Penn Station, located only a few short blocks away from Court.

For all the above reasons, the Court should deny Plaintiffs' request for an adjournment.

Respectfully submitted,

By: /s/ Bruce D. Vargo  
BRUCE D. VARGO, ESQ.

BDV:kai

cc: Honorable Claire C. Cecchi (via first class mail)  
Catherine M. Aiello, Esq. (via email)  
Mr. Hoss Dahi (via ECF, email and first class mail)  
Ms. Elaine Dahi (via ECF, email and first class mail)  
All Counsel of Record (via ECF)

**Bruce Vargo**

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**From:** Elaine Dahi [elainedahi@yahoo.com]  
**Sent:** Thursday, August 04, 2011 4:15 PM  
**To:** marion.johnson@dbr.com; Bruce Vargo  
**Subject:** 2:10 cv 6297  
**Attachments:** L2 JgCecchi-804

The attached file was placed into mail earlier today. It should arrive in Newark tomorrow but I would ask that one of you enter it into cm/ecf for me as a courtesy to the magistrate so that he can take this off his calendar. A copy will be faxed to you both tomorrow.

Mr Dahi is in Maine and cannot present for an in-person conference. I do not have access to a car to travel to Newark. Motions will be filed next week for the next motion calendar, which is on Friday.

Neither plaintiff has been served with the Johnson motion.

Elaine Dahi

District Judge Claire Cecchi  
US District Court at NJ-Newark  
MLK Jr Federal Building  
50 Walnut Street  
PO Box 419  
Newark NJ 07101

Case # 2:10 CV 06297 *Dahi and Dahi v Refrigerated Holdings Inc, et al.*

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August 4, 2011

Plaintiffs are writing to inform as follows.

1. Plaintiffs have been not been able to pursue their case zealously, as would otherwise have been possible, due to specific information from a reliable source indicating that Defendant Peter Lamm has arranged for a predetermined case outcome on the within matter. All motions and other efforts would, accordingly, be futile and in vain. This allegation and its bases will be detailed in plaintiffs' forthcoming motions, to be filed on 08/12/11. This case has irregularities that support such allegation and that cannot be otherwise reasonably explained.
2. For reasons that are entirely opaque to plaintiffs, this case was reassigned to your docket.
3. On specific information and belief, this matter has been now set for an in-person dismissal on 08/08/11 by your magistrate, though it is couched as a "conference." Plaintiffs hereby move that this meeting be adjourned, pending motions to be filed four days later at the next calendar, i.e., on 08/12/11.
4. Plaintiffs submitted a letter motion that was entirely disregarded by the previous assigned judge / magistrate team. It was also disregarded by the present judge / magistrate team. Concern is for the matter mentioned in (1) above.
5. Despite the fact that FRCP mandates that pro se parties be served by mail unless they waive that right, and despite the fact that Plaintiffs have notified that they do not waive said right, one party has filed a dismissal motion in absence of serving either plaintiff with a copy. As is well on record, Plaintiffs do not have Internet access at home and must travel to a library to view CM/ECF notifications. Depending on the library, these are not always capable of being printed out. Hence, the need for service by hard copies, as is the mandate set by FRCP. To decide that dismissal motion in absence of service upon either plaintiff would be an egregious deprivation of due process rights.
6. By way of copy of this letter via E-mail, both appearing defendants are hereby served with this letter on 08/04/11. They will also be served by fax on 08/05/11.

Hoss Dahi and Elaine Dahi (at 22R)  
22A Wesley Street  
Monmouth Beach NJ 07750  
(732) 222-3309